

Law Enforcement News

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Complex job in changing times

Law enforcement in Indian Country is anything but easy

By Jacob R. Clark

It is a place racked by rising violent crime — including an emerging youth gang problem — that has been exacerbated by chronically high rates of poverty, alcoholism and other social ills; a place where criminals commit serious crimes on land considered sacred by its inhabitants; where efforts to arrest and prosecute criminals are complicated by a jurisdictional jigsaw that causes seasoned criminal justice officials to scratch their heads in bewilderment.

It is a place where police resources are stretched to the bone, where one officer can be responsible for a beat hundreds of square miles in size, and where the tools most U.S. police take for granted are seen as luxuries.

This is Indian Country, a broad swath of the United States that is home to 1.9 million members of more than 500 tribes. In scores of interviews with Law Enforcement News, both tribal and Bureau of Indian Affairs police and other criminal justice practitioners say their agencies — like the tribes themselves — are undergoing radical transformations, as tribes recognized by the Federal Government assert their status as distinct, sovereign nations amid a backdrop of rising crime.

Under a program set up under a Federal law that granted Indian tribes the right to self-determination, an increasing number of tribes are opting to take over law enforcement services from the oft-criticized Bureau of Indian Affairs, the arm of the Interior Department that historically has administered and provided Government services to reservations. In some cases, the takeovers have come after allegations of civil rights abuses, including brutality charges, by BIA police. Other takeovers have occurred as part of an overall effort to provide better services to tribe members.

Crime Soars, Funding Flizzes

Particularly in the western United States, where the majority of the nation's Indians live, the reservations consist of remote, vast, sparsely populated terrain that in the past was rarely visited by outsiders. But these areas are no longer immune to the crime ills of American society at large, sources tell LEN.

"The premier key issue is that crime is just skyrocketing and funding to run the program is going the other way," said Ted Quasula, director of the Bureau of Indian Affairs Division of Law Enforcement in Albuquerque, N.M. "I don't

think that there's anything of higher importance. For the longest time, Indian tribes were living in isolated conditions...but with increased mobility, modern America certainly hasn't bypassed the reservations."

"In days gone by, you didn't lock your doors," says Mary V. Thomas, governor of the Gila River Indian Community, a 80-square-mile reservation just to the south and east of Phoenix, which is home to 10,500 Pima and Maricopa Indians. "You could sleep outside. You recreated a lot without the fear of getting in the way of a bullet. That has changed."

At least 15 murders, including some linked to criminal gangs based in Phoenix, were recorded at the Gila River reservation last year, Thomas said, although she believes the number may actually be higher. "We've had several instances of body dumping out here," she adds. The increasing violence has resulted in the Gila River being designated as a crime "red zone" by the BIA, she said, adding that the per-capita crime rate in Indian Country may be double that of the nation at large.

The Governor's observations may not be far from the mark, mirroring studies cited in the

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New BJS snapshot of policing finds better educated, more diverse ranks

The number of police departments nationwide that require recruits to have some level of higher education has doubled from 1990 to 1993, while the number of black, Latino and female officers has continued its slow but steady increase, according to a Justice Department report released April 7.

The Bureau of Justice Statistics' snapshot of the nation's 12,000 county and municipal law enforcement agencies, circa 1993, shows that 12 percent of local police departments required recruits to have some college education, up from only 6 percent in 1990. In addition, eight percent of police departments required that recruits have some type of college degree, with 1 percent specifying a four-year degree.

Basing its findings on data culled from a representative national sample of more than 3,000 police agencies, the report also found evidence of increasing diversity in the ranks. The number of black officers in city and

county law enforcement agencies rose from 10.5 percent in 1990 to 11.3 percent in 1993. The percentage of Latino officers rose by one percentage point in the same period, from 5.2 percent to 6.2 percent. In comparison, the percentage of black and Latino officers in 1987 was 9.3 percent and 4.5 percent, respectively.

The percentage of female police officers also rose during the same period, but only slightly, BJS reported. In 1993, women constituted 8.8 percent of local

officers, compared to 8.1 percent in 1990 and 7.6 percent in 1987.

The average number of training hours required for new officers in 1993 ranged from over 1,100 hours in departments serving a population of 100,000 or more, to under 500 in those serving fewer than 2,500 residents.

Police officers are better equipped, with increased access to greater firepower and protective gear, the study found. By 1993, 84 percent of police departments had authorized regular field

officers to use semiautomatic sidearms, up from 73 percent in 1990.

Nearly all departments authorized the use of one or more non-lethal weapons, with three-fourths of them issuing chemical deterrent sprays to officers. Pepper spray was being issued to officers in 59 percent of the nation's police departments, the report added. Overall, the most common form of non-lethal weapons was the PR-24 baton used by 59 percent of the agencies.

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Criminals in public housing told: 'One strike & you're out'

President Clinton has ordered Housing and Urban Development Secretary Henry Cisneros to issue guidelines that will make it easier for public housing authorities to evict anyone who commits even one violent or drug-related crime in the nation's 3,400 public housing developments — even if they are not convicted.

Under the guidelines, funding to individual housing authorities will be linked to their willingness to rid the properties of criminals. The so-called "one strike" policy has been in effect since 1988, but Administration officials said some public housing authorities had failed to implement the directive.

The guidelines signed by Clinton on March 28 will add eviction policies to the criteria used in evaluations that determine Federal funding. The lower the grade an authority gets from the

Government, the less likely that it will be eligible for certain types of bonus funds, and the greater the chances that it will be taken over by HUD.

"This policy today is a clear signal to drug dealers and to gangs: if you break the law, you no longer have a home in public housing. One strike, and you're out," the President said. "For some, one strike and you're out sounds like hardball. Well, it is. If you mess up your community, you have to turn in the key. There is no reason in the world to put the rights of a criminal before those of a child who wants to grow up safe."

The directive swiftly came under attack from civil libertarians. Mark Kappelhoff, the legislative counsel for the American Civil Liberties Union, said Clinton's election-year action "amounts to political grandstanding at the expense of the poor." "It's

really no strikes," he said. "You don't even get to the plate."

Before evictions occur, tenants will have the right to a hearing, the right to know the evidence against them and the right to appeal the eviction order in court, noted Walter Dellinger, a senior Justice Department official who helped draft the new guidelines. "Eviction is a civil, not a criminal, matter," he said. "Tenants in both public and private housing are subject to eviction for violations of appropriate lease terms, whether it's keeping an unlawful pet or violating any of the other reasonable terms of the lease."

Leora Robinson, a resident of a Toledo, Ohio, complex that used one-strike evictions to clean out criminals said the policy worked well there. "If you're not involved in criminal activity, the one-strike policy will not bother you," she said.

What They Are Saying:

"The race of the people involved, the location of the crime and the degree of the crime all come into play when you're trying to determine what charges to file against whom and where."

— Ted Quasula, director of the Division of Law Enforcement of the U.S. Bureau of Indian Affairs, on just one of the problems confronting policing on tribal lands. (6:2)

Around the Nation

Northeast



CONNECTICUT — With the price of a Ford Crown Victoria having jumped by as much as 50 percent in the past five years, some Connecticut police officials are asking the state Attorney General to investigate increases in the price of police cruisers. Ford officials acknowledged the higher prices, but blamed market pressures.

DISTRICT OF COLUMBIA — Former D.C. police officer Darryl Lawson, 31, was sentenced last month to eight years in prison on charges stemming from an FBI sting two years ago. Lawson and 11 other officers were paid \$2,000 each to protect cocaine shipments for a man they believed was a Miami drug dealer but who was really an undercover agent. Federal Judge Thomas F. Hogan imposed the stiff sentence after vowing to treat crooked officers like "any other drug dealer."

A new storefront police station opened last month in Chinatown to serve as a link between Asian crime victims and the D.C. Police Department. The Asian Liaison Unit will have a staff of eight, most of them Asian-Americans.

MARYLAND — Twelve of the 24 new Anne Arundel County police officers who graduated March 22 will be funded through the Justice Department's Office of Community Oriented Policing Services. The COPS office will also fund three of the 27 officers who graduated from the Southern Maryland Criminal Justice Academy March 15.

Baltimore Mayor Kurt Schmoke and the city's Police Department will send four officers to the Dutch city of Rotterdam next month to study how that city deals with drug control. Despite lax rules on drugs, Rotterdam has about 3,500 addicts in a population of roughly 600,000. Baltimore is a city of some 700,000 residents, including about 50,000 addicts.

MASSACHUSETTS — An appellate judge in Worcester last month ordered a full review of whether Nassrine Farhoody, who runs a rape crisis center, must turn over a client's records in a rape trial. Farhoody won a reprieve after being ordered jailed for contempt.

NEW HAMPSHIRE — Shane Wall, a 22-year-old Nashua man who sold heroin to a teen-ager who later died of an overdose, lost his challenge to a new state law that could send him to prison for life.

Nashua, Hudson and Manchester reduced the percentage of plea bargains in drunken-driving cases by more than 60 percent from 1994 to 1995, after critics charged that they were too quick to reduce or dismiss such charges before trial.

Prompted by a state Supreme Court decision overturning the rape conviction of a man with a history of sexual assaults, Gov. Stephen Merrill said last month that he will back legislation allowing evidence of prior sexual assaults in rape trials. The court said

prosecutors should not have told jurors about Antonio Marti's record.

NEW JERSEY — A report issued March 6 by state Attorney General Deborah T. Poritz has called for the reorganization of the Camden Police Department. Camden had the highest per-capita murder rate of any major city in the state. Poritz recommended the hiring of an additional 34 police officers, which would cost an estimated \$2 million. Other recommendations included developing a maintenance plan to keep existing patrol cars on the road and improving the use of available technology in the communications center.

U.S. District Judge John Bissell issued a preliminary injunction March 15 that bans all 21 prosecutors in the state from notifying schools and other institutions of the whereabouts of convicted sex offenders who have served their time.

NEW YORK — A Federal judge who came under fire in January for disallowing as evidence nearly 80 pounds of cocaine and heroin seized from the trunk of a car in Manhattan last month agreed to reopen the case. Judge Harold Baer granted the motion by Federal prosecutors after hearing testimony from the defendant, Carol Bayless, 41, of Detroit, and the police sergeant who accompanied the arresting officer. [See LEN, Feb. 14, 1996.]

Gov. George Pataki, who campaigned for office with a vow to restore the death penalty in New York, has removed Bronx District Attorney Robert T. Johnson from a case involving the slaying of a police officer, citing Johnson's philosophical opposition to capital punishment. Officer Kevin Gillespie, 33, was shot as he was getting out of his cruiser, allegedly by Angel Diaz, 27, one of three men who had carjacked a BMW minutes earlier. Johnson has said he will fight his ouster from the case, noting that Pataki took his unusual action long before the 120-day deadline for deciding whether or not to seek the death penalty.

Eastchester Police Officer Michael Frey, 29, was killed March 21 by a deranged sniper holed up in his house with his 88-year-old grandmother. The gunman, Richard Sacchi, 26, killed himself, his grandmother, and his dog, after the incident. Sacchi held police at bay for hours until an armored vehicle borrowed from the New York City Police Department provided cover for the retrieval of Frey and several other officers who had been pinned down, injured, throughout the siege.

Eric Sanders, head of the New York City Police Department's black police fraternal group, the Guardians Association, says he will resign over concerns about mismanagement and the possible misappropriation of funds. Sanders, who has been president just three months, said the organization is in a "serious state of emergency."

A New York City police officer was given a break on jail time last month when he was sentenced for perjury. Officer Patrick Regan was a "terrific police officer" who had suffered enough, said Federal District Judge Denny Chin before sentencing him to a year and one day in prison and two

years of supervised release. Regan had won the city's highest honor for taking a bullet in the head during an arrest.

Two women standing near an off-duty New York City police officer were wounded March 16 when he shot himself in the head during a rock concert. Christopher Gargan, 22, who had been on the job just 13 months, died at the hospital about an hour after he shot himself with a 9mm. pistol.

The steep drop in crime that New York City has enjoyed for the past two years may be leveling off. According to unofficial statistics compiled through March 17, crime is down by 8 percent this year, compared to a 15-percent decrease recorded during the first quarter of 1995.

Seventeen probationary New York City police officers have tested positive for cocaine and marijuana use, after police began using a new hair-follicle drug test that can detect drug use going back three months. All the officers, who had been tested just before their two-year probationary period ended in February, were dismissed.

Stunned by a 13-percent rise in crime in schools during the first half of the academic year, members of the New York City Board of Education last month offered the Police Department broad, new responsibilities for recruiting, screening and training new school safety officers. The department would work in conjunction with John Jay College of Criminal Justice, which will design an intensive, 135-hour training program for school safety officers during the summer.

Federal District Judge Denny Chin ruled March 21 that helping communities learn the whereabouts of sex offenders amounts to extra punishment. In a 26-page order, Chin forbade the release of names, addresses, and phone numbers of sex offenders convicted before the law took effect on Jan. 21, effectively eliminating the state's plan to put that information on a "900" number. Chin said, however, that the state could still continue to register sex offenders, and that those convicted after Jan. 21 would be subject to community notification requirements.

The New York City Police Department is said to be hunting for a saboteur who wrecked a vital component of the city's new enhanced 911 system in March. An employee with security clearance cut a 1-inch-wide tape and tied the ends in knots, disabling a backup recorder that records conversations between dispatchers and officers. The sabotage comes on the heels of reports that the \$156-million system has been plagued with problems.

New York City Police Sgt. Joseph Kroon, 48, became the third officer this year to commit suicide, shooting himself at his home on March 28. Kroon, a 26-year veteran, had been on vacation since January and was due to retire in May.

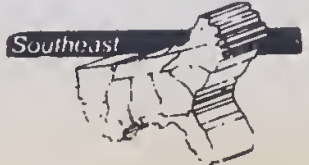
Off-duty Yonkers Police Officer Robert Clarke and his brother, Thomas, were charged March 28 with beating and robbing a TV newswriter. Ernest Champell, 31, told police that he was walking alone when the brothers, who appeared drunk, began har-

assing him. They beat him, called him racial epithets, and took his wallet, police said. Police had to use pepper spray to subdue the brothers.

PENNSYLVANIA — Some criminal justice officials in Philadelphia say that the full impact of a continuing police corruption scandal has only begun to be felt, as another 60 criminal convictions were overturned last month. So far, 116 convictions have been overturned in cases involving six police officers who pleaded guilty to charges including lying under oath and planting false evidence. In all, some 1,800 convictions are being reviewed.

RHODE ISLAND — An analysis by The Providence Sunday Journal last month found that of the 245 men and one woman who pleaded guilty in Superior Court to child molestation charges during 1993 and 1994, 100 were sent to prison. Suspended sentences were given to 122, and 24 received no penalties.

VERMONT — An advisory panel told the State Police March 25 that it must do a better job of recruiting women. Only 14 of the agency's 292 officers are women, and none have attained a rank higher than sergeant.



ALABAMA — A Federal jury last month awarded Birmingham Police Officer Scott Morro \$150,000 in damages after upholding his claim that he was punished for supporting the officer who arrested Mayor Richard Arrington's daughter in 1990.

ARKANSAS — Officials say the emergency 911 system that Hempstead County voters approved in 1992 was fully installed last month and will be ready for use in two months.

A woman was attacked in West Memphis March 3 after pulling over for a driver flashing a blue light. The woman escaped unharmed, and was able to give a description to police. A series of police impersonations has been reported in eastern Arkansas and northern Louisiana, usually targeting women driving alone on deserted roads. Constables in eastern Arkansas have been asked not to use a single blue light in their patrol routines.

FLORIDA — Bad weather has been cited as the cause of a sharp decrease in beach arrests this year during the spring break season in Daytona Beach.

GEORGIA — A five-year sentence and \$5,000 fine were imposed March 5 on former Valdosta Police Chief Charlie Spray, 48, who was convicted in February on charges of stealing military surplus equipment intended for anti-drug work. Spray was ordered to serve a year in prison and four years on probation. (See LEN, May 31, 1995.)

Some law enforcement officials are said to be troubled by last month's vote in the state House to relax Georgia's gun law, allowing permit holders to carry concealed weapons anywhere on their bodies, and not just holstered or

in handbags, as current law requires. The bill is now pending in the Senate.

Emory University in Atlanta was presented with a \$16,000 check from Virginia Beach, Va., police to establish a scholarship in honor of 21-year-old Jennifer Evans, who was slain while visiting the Virginia resort community last year.

Death-row inmate Larry Lonchar plans to ask the court to allow him to donate one of his kidneys to retired police Det. Melvin Ferguson, 60, who helped to convict Lonchar for a 1986 triple murder.

LOUISIANA — A plan to give New Orleans police officers raises of 8 percent to 15 percent was unveiled March 25 by Mayor Marc Morial. The city's police are among the lowest paid in any major U.S. city, he said.

East Carroll Parish Sheriff Dale Rinicker was indicted last month on charges of fraud and money laundering. Federal officials say he held a secret interest in a privately run prison leased with public money.

The widow of a New Orleans police officer slain by his former partner is suing the city for unspecified damages, claiming that the killer cop should never have been hired. Officer Antoinette Frank is now on death row for the 1995 murder of Officer Ronald Williams and two restaurant workers. Mary Williams charged in her suit against Frank, the city and Police Superintendent Richard Pennington that police administrators obviously disregarded signs that Frank was a danger to the public and unfit for police work.

A statewide poll published March 17 has found overwhelming support for keeping the state's drinking age at 21, despite the recent ruling by the Louisiana Supreme Court that struck down a six-month-old law forbidding the sale of alcohol to people under 21. The law was designed to close a loophole in the 1986 law that made it illegal for people age 18 to 20 to buy liquor, but not illegal to sell it to them.

SOUTH CAROLINA — Legislation has been introduced that would do away with the use of unmarked cars, following an incident in which a Highway Patrol officer was seen on videotape violently abusing a female motorist. The motorist, 26-year-old Sandra Antor of Miami, was driving on Interstate 95 when she was stopped by Lance Cpl. W.H. Beckwith, who pulled his gun, dragged Antor from her car, starting screaming obscenities at her, and threatened to cut off her clothes. Antor said she did not realize who Beckwith was because he was in an unmarked car. She was trying to get to a rest stop or gas station before pulling over, she said. Beckwith, whose actions were captured on his car's video camera, was fired.

TENNESSEE — A bill that would have required constables to be able to read and write was killed last month after Senator Steve Cohen jokingly proposed they also be able to smoke, chew, spit and drool.

VIRGINIA — The General Assembly on March 6 overwhelmingly passed a constitutional amendment that would

give the state broad new power to appeal criminal court rulings. If approved by voters in November, the amendment would create a blanket right of appeal, although its application would be determined by the General Assembly. The Virginia constitution currently allows the state to challenge only tax cases or court rulings on the constitutional validity of criminal evidence or warrants.

Police are investigating a mock assault at a Martinsville hospital that left nurses and patients badly shaken. During a five-minute drill staged by the hospital's security staff on Jan. 25, five masked men burst into the emergency room and pointed real, unloaded guns at the nurses and demanded drugs.



ILLINOIS — After more than 20 years, the Cook County Jail appears to be on the brink of complying with a 1974 Federal consent decree mandating improvements at the run down, grossly overcrowded facility. Richard Hess, a supervisory attorney with the Legal Assistance Foundation of Chicago, which had filed suit over the jail's condition, said Federal court scrutiny of the facility may not be necessary in another year. The jail now has an average daily population of 8,750, its lowest level since 1991. Two new facilities are credited with helping to reduce overcrowding: the high-tech Division 11 addition that houses nearly 1,600 inmates and a new boot camp scheduled to open June 1.

The Chicago Police Department's mountain-bike patrol, once strictly a warm-weather phenomenon, is now a year-round beat. Four officers patrolled Grant Park and downtown streets throughout the winter, enduring snow and sub-zero temperatures and missing only one day due to freezing rain. They wear layers of clothes under their blue police windbreakers, and occasionally put electronic foot warmers inside their boots. In the warmer weather, the department rolls out 25 bike-patrol officers to ride along the lakefront.

INDIANA — Gary police officials said last month that not all of the nearly 400 cars reported stolen each month are actually thefts. At least 15 percent to 20 percent of the cases involve people trading their cars for drugs, then reporting them stolen later.

The City of Indianapolis was ordered by an all-white jury March 21 to pay \$4.3 million to the mother of Michael Taylor Jr., a 16-year-old suspected car thief who was shot to death in a police cruiser in 1987. Police said that Taylor killed himself with a concealed weapon.

KENTUCKY — The 6,300-member Kentucky Fraternal Order of Police has endorsed the re-election bid of Republican Sen. Mitch McConnell.

MICHIGAN — Devon Watts, a 17-year-old White Cloud girl who invited friends to a party to see the blanket-shrouded body of the 73-year-old man she lived with, was sentenced to life in prison on March 18 for his murder. In a confession she later recanted, Watts

said that a friend, Kelly Heemstra, had held a gun while she pulled the trigger after an argument over whether Heemstra could stay in the trailer Watts shared with the victim, Leonard Hughey.

A Federal grand jury last month indicted 17 defendants believed by the Government to be the boss and top leaders of the Detroit Mafia. The sweeping indictments cover 30 years of alleged murder plots, beatings, public corruption and infiltration of Las Vegas casinos. Those arrested include alleged Mob boss Jack Tocco, 69, described as one of the nation's longest-tenured and most powerful Mafia chieftains.

OHIO — Two Medina County Common Pleas judges in February allowed George Burza, a probation officer, to continue his campaign for sheriff by converting him into a bailiff. As a probation officer, Burza would have been forced to resign or discontinue his campaign, due to a state law that considers probation officers classified employees, who are barred from seeking public office. Bailiffs, however, are not classified. Burza was hired as a probation officer in September 1994 after he was fired as a detective with the sheriff's department.

WEST VIRGINIA — Washington High School Principal Larry Lohan said last month that police officers are needed in all Kanawha County schools because potentially dangerous strangers are walking in unchecked.

WISCONSIN — An Eau Claire judge last month gave Michael Potter, 19, a way of reducing by two-thirds his 90-day sentence for stealing from his employer: he can wear a sign outside Handy Lube saying, "I'm a thief."



IOWA — Officials are crediting tougher crime laws for a 12-percent increase in the number of criminal cases in state courts last year.

KANSAS — A bill that would allow some state residents to carry concealed weapons was presented to the Senate March 25. The House is considering similar legislation.

Lawmakers said the state could lose Federal highway money if the state does not adopt a law to suspend the licenses of drivers under 21 caught with a blood-alcohol level of .02 percent.

MISSOURI — A former New York City police officer was sentenced March 26 to life in prison plus 60 months for leading a 30-member heroin and cocaine ring out of St. Louis. Prosecutors said George DeLuca, 54, began his drug career before retiring in 1993 and moving to St. Louis, buying the drugs in New York and selling them in St. Louis. DeLuca, who was convicted on Dec. 7, also was sentenced for money laundering and using his police revolver while drug trafficking.

The state's top speed limit was raised in March to 70 mph. The legislation signed by Gov. Mel Carnahan

also provides that officials can set lower limits. Carnahan also signed a bill to restore tough penalties for reckless driving, after he and the Legislature had mistakenly weakened the law last year.

MONTANA — Yellowstone County Sheriff Chuck Maxwell has been appointed to the National Community Oriented Policing Resource Board, a division of the Justice Department that assists in examining issues and challenges in local crime prevention.

Correctional officials said last month that they had no choice but to make 15-year-old Dawn Gauchay serve her 40-year sentence in an adult prison for the murder of a 2-year-old she was babysitting.

NEBRASKA — Gov. Ben Nelson said March 25 that he would join the crusade of retired Omaha police officer Jimmy Wilson Sr. to put video cameras in police cars statewide. The campaign was inspired by the line-of-duty death of Wilson's son, Officer Jimmy Wilson Jr., who was shot dead in his cruiser in August. (LEN, Feb. 14, 1996.)

Merrick County Sheriff Dan Schneiderheiz has been told to resign or face a recall election, following a tally of recall petition signatures.

WYOMING — The state Supreme Court on March 13 upheld the constitutionality of a law requiring convicted child-sex offenders to register with a county sheriff's office.



ARIZONA — The East Valley Interdicts Criminal Trafficking multi-agency task force was disbanded and some of its members disciplined after the unit spent \$10,000 in 18 months on food and alcohol, and not one source, suspect, or informant had been developed, said Mesa police. Eight members of the Mesa department were suspended without pay and a ninth was indicted on charges of stealing funds and tampering with expense reports to cover it up. The suspensions, along with other disciplinary actions taken against members of the Tempe Police Department and the Maricopa County Sheriff's Office, are the culmination of a three-year investigation into improper activities by the task force.

NEW MEXICO — San Juan County commissioners say they will release some prisoners from the overcrowded county jail and charge them with fines in order to cut the inmate population to 315. The jail, designed for 244 prisoners, now holds 344.

OKLAHOMA — Oklahoma City police were led on a 120-mile chase March 14 by a 35-year-old trucker hauling 43,000 pounds of salt pellets. Two people were critically injured in crashes, officials said.

TEXAS — Edcouch Police Officer Gilberto Chavero Jr., 28, was charged March 22 with the murder of Iris Yvette

Hidalgo, 18, whose body was found floating in a canal.

Four men who posed as mechanics and drove 70 new cars and vans away from dealerships in the Dallas-Fort Worth area were arrested last month. Some of the cars were sold for as little as \$250, said police.

The Dallas Police Internal Affairs Division decided in March to close an informal candy concession operating at the Lev Sterett Justice Center because the officer in charge of the store, Senior Cpl. Henry Jachna, allegedly pocketed a 1-percent rebate from the personal credit card he used to buy soda and snacks. A police official said the store, which is run on the honor system for officers and deputies, had gotten too big, pulling in about \$1,000 a week.

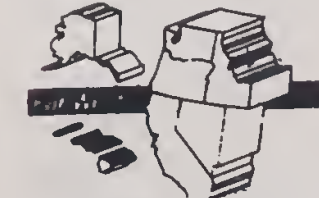
Three Houston police investigators were exposed to radiation in March when they searched through a scrap metal company looking for three radiography cameras stolen by crack cocaine addicts. The addicts, who were charged with theft, allegedly scraped the radioactive warning stickers off the cameras before selling them to the Lockwood scrap yard. The cameras, used for analytical photographs of steel welds, were stolen from a defunct steel fabrication firm's building that was being demolished. The theft was discovered when higher than normal radiation was detected at the site.

The Justice Department's Office of Community Oriented Policing Services will fund all nine of the new Arlington police officers who graduated March 29.

A Grand Prairie grand jury refused last month to indict a man for killing an unarmed fellow motorist after a traffic accident. Gordon "Buddy" Hale, who said he was in fear for his life, was the first person to fatally shoot someone using a legal concealed weapon since the guns were legalized by the state this year. Hale shot Kenny Tavai, 33, after Tavai began punching him in the face while Hale sat in his car, unable to pull away because of traffic. The two motorists had bumped side-view mirrors while driving.

Larry E. Coutone was named police chief at the University of Texas Southwestern Medical Center in Dallas on March 7. Coutone, who has a bachelor's degree from the State University of New York in Albany, began his law enforcement career at the University of Texas at Austin in 1977.

UTAH — A three-month investigation by Farmington police culminated March 26 with the arrest of 15 Northridge High School students for dealing marijuana and LSD.



CALIFORNIA — What is described as the nation's first remote-controlled forklift — designed to enable bomb technicians to move a suspected vehicle bomb safely — was unveiled in Los Angeles March 22. Created by

personnel from the Los Angeles Police Department bomb squad and the city's General Services Department, the forklift was prompted by the 1993 World Trade Center bombing in New York, when the LAPD realized that it did not have the tools and equipment to remove heavy vehicle bombs.

Los Angeles City Council members Laura Chick and Marvin Braude introduced resolutions this month aimed at securing state surplus funds to help open an empty, 4,000-bed county jail. Chick, who chairs the City Council's Public Safety Committee, said the \$373-million Twin Tower facility is empty because the county does not have the \$90 million in annual operating funds it needs.

A bill pending in the Assembly would give law enforcement officials the authority to stop any live broadcast of a police situation. The legislation, introduced by Assemblyman Richard Rainey, a former sheriff of Contra Costa County, would allow police to ban live broadcasts in an emergency situation where such a broadcast could endanger the safety of participants or prolong the incident.

No charges will be filed against Mary McIntyre, who was held hostage for five hours in her Concord embroidery shop by an obsessed admirer. McIntyre, 35, was forced to pull the trigger on a gun Jociel Bulawin, 33, was holding to his head. Bulawin, a former employee, had been calling McIntyre two or three times a day, and claiming they had a relationship.

HAWAII — Three Kauai police officers were fired March 13 after being accused of fondling an exotic dancer arrested as part of a prostitution ring. The officers may face criminal charges.

Honolulu police are obtaining warrants to search the homes of suspected graffiti "taggers" in an effort to reduce the vandalism.

NEVADA — Investigators are probing the disappearance of a reported "five-figure" sum of cash from the Las Vegas Police Department evidence vault.

OREGON — A man who escaped from a Washington prison in 1957 turned himself in to that state's authorities March 8. John Wilson, now 67, who has been known by the alias James Ostrander for 40 years, was convicted in 1953 of second-degree murder in the killing of a Seattle grocer during a robbery. After escaping from a prison mental hospital with a hacksaw, Wilson went on to live an upstanding life. He was arrested in October after moving to Arizona to ease disabling back pain. Released on his own recognizance from a Washington jail, he fled to Oregon, hoping to be able to stay there. Washington Gov. Mike Lowry has requested that Gov. John Kitzhaber extradite Wilson so he can pay for his crime.

WASHINGTON — Under legislation signed March 13 by Gov. Mike Lowry, boaters who flee accidents will face the same fines and jail time as motorists do.

"Victim assessment" fines will be raised from \$100 to \$500 under a bill signed March 21 by the Governor

Ware-about

Helena, Mont., Police Chief Bill Ware announced this month that he'll soon be leaving the agency he has headed for nearly 15 years to lead the Laramie, Wyo., Police Department, where he'll be sworn in as chief on June 3.

Ware, 51, who started his law enforcement career as a beat cop in Washington, D.C., in 1965, told Law Enforcement News this month he has mixed feelings about leaving Helena, but he looks forward to the new challenges the Laramie post will bring.

"It's a great department. Wonder-



Chief Bill Ware

Leaving with mixed emotions

ful men and women work for me here," Ware said. "I'm going to miss them and miss the city, which has been very, very good to me as a police chief. I've had a lot of support and backing in about everything that I do."

Ware will succeed Mark Bridgmon, who retired last November after serving as police chief in Laramie for four years. Lieut. Jim Kyrtis has been serving as acting chief of the 38-officer agency in the interim.

"It's with mixed emotion that I leave, but I'm a career cop—almost a career chief, I guess," said Ware. "I'm excited about the challenge in Laramie. The people down there have been outstanding, very gracious, open-armed and have welcomed us to their community. It's going to be tough

leaving, though."

A native of West Union, W.Va., Ware came to Montana after marrying his wife, a native of the state, in 1966. He was an officer with the Baker Police Department before joining the Montana Highway Patrol in 1969. In 1974, then-Attorney General Robert Woodahl, who had received death threats because of an investigation into workers' compensation fraud, tapped Ware to serve as his security detail. Woodahl then assigned him to the Montana Criminal Investigation Bureau, and Ware was promoted to chief investigator three years later. He stayed until he was named police chief in Helena in 1981.

Ware said the 45-officer Helena Police Department is organizationally a much different agency today than when he took over. "I put a very strong emphasis on leadership and staff development, implemented a Crime Stoppers program, put in enhanced traffic enforcement programs and instituted high-visibility uniformed patrols in areas of the city that we felt needed it. But it's been a team approach. That's my style," he said.

Helena City Manager William J. Vervolf has launched a national search for Ware's successor. "With all of the publicity Helena is getting with the Unabomber and other things going on, maybe there'll be a lot of interest," Ware opined.

Bombs away

Bureau of Alcohol, Tobacco and Firearms agents are welcome to continue serving as instructors at a community college near Detroit—as long as they take their phony bombs with them when class is dismissed.

A briefcase with a "prop" explosive was discovered after an ATF agent's police training lecture on Feb. 29, forcing the evacuation of the Fraser campus of Macomb Community College for two hours—and prompting a trustee who heads a local gun owners group to urge that ATF instructors be banned from teaching at the college's Criminal Justice Training Center.

"I seriously question ATF instructing our students on any matter and consider this an affront to the freedom

From Russia, with love

Illinois chief's one-man diplomacy honored

Police Chief Ronald D. Swan of the Illinois State University Police Department has earned numerous awards throughout his career, but he may hold the record for the largest number of commendations given to a U.S. police official by the Russian Government.

Since 1991, Swan, 53, has received nine medals, commendations and other awards from Russian and former Soviet officials for his efforts to help police there make the transition from Communist totalitarianism to democracy—and for his role in saving the lives of three people in a car accident.

The latest Russian accolade for Swan, who has been chief at the campus in Normal since 1983, came in January in Star City, Russia, when he was awarded the Medal of Yuri Gagarin "for strengthening peace and friendship among nations."

The Gagarin award came one year after the Russian Government conferred the Medal of Honor and the Medal for Excellence in Service on Swan, a 31-year law enforcement veteran. Those awards recognized Swan's "valuable service to the nation" during the development of its new police university.

Since the fall of Communism and the subsequent dismantling of the Soviet Union, Swan has played a prominent role in helping the university retool its curriculum toward democratic principles and also has introduced advanced courses in latent fingerprint applications and procedures. But "the focal point of my



Chief Ronald Swan

Redeclared

work has been developing courses in policing a democracy to expose them to concepts of how we police here in the United States, in a democracy," Swan told Law Enforcement News.

Swan's unique relationship with the former Iron Curtain country began in the early 1980s, when two Soviet police officials accepted an invitation to attend a training course at the Police Training Institute at the University of Illinois in Urbana. In 1990, Swan and the institute's director, Michael Charles, "decided we would try to implement something that heretofore hadn't been done before—to start a dialogue with what was then the Soviet Academy of Police."

That has led to an ongoing relationship between the two Illinois institutions and what is now known as the Russian Police University. Swan has

traveled to Russia five times and has hosted Russian police officials in Illinois several times as well.

During a July 1993 visit, Swan put his rescue skills to the test when he saved the lives of three people in a car that had hydroplaned and rolled over into a rain-swollen ditch. Swan jumped out of the vehicle in which he was traveling, climbed up the undercarriage of the car and freed the trapped passengers. The incident earned him yet another award from Russian officials—the List of Honor for Heroism.

Swan says Russian police are making a successful if slow transition to democratically grounded police principles. "One has to take into consideration that for some 74 years, they were under Communist rule and the concepts we have utilized in this nation for years and years are relatively new concepts to Russia. It will be a slow process but I think they're making some headway," he said.

Swan will next visit Russia in the summer of 1997. This summer, he will play host to three high-ranking Russian police officials who serve as instructors at the Russian Police University: its director, Col. Valery Morozov; Maj. Gen. Ivan Ivanovich Golubev, the second in command of the Russian Federation police force; and Col. Vladimir Sergeevnin.

It will be Golubev's second visit to Illinois; he was one of the two officials who graduated from the Police Training Institute in 1983, Swan noted.

and liberties that Americans enjoy," wrote college trustee Michael P. Sessa in a letter to college president Dr. Albert L. Lorenzo. "We don't need ATF negatively influencing our future law enforcers, especially with their poor track record."

Sessa is president of Gun Owners of Macomb County, which has been a staunch critic of the ATF.

Sessa backed away from his demand after a briefing on the incident by a representative of the training center during the March 19 meeting of the college's board of trustees, Lorenzo told Law Enforcement News. "Based on that briefing, he was satisfied and no action was proposed."

Special Agent Stanley Zimmerman, who heads the ATF's Detroit office, issued a statement about the "unfortunate incident" on March 8, and took "full responsibility of the inert training device inadvertently being left behind by the ATF agent."

Lorenzo said ATF agents are not primary instructors at the Criminal Justice Training Center, but do teach some segments of an 80-hour course on explosives for area law enforcement officials. "Because of their unique expertise, they are brought in to teach some components of the course from time to time," he said.

Lorenzo said that while the incident was "both frightening and unfortunate," he didn't think it warranted an official apology from Zimmerman. "From my perspective, we're really

indebted to a lot of these agencies like the State Police, the ATF and others, who voluntarily come in, and frankly, make our programs better because they're there."

In an ironic twist, Lorenzo noted, two of the first emergency workers on the scene had just left the seminar where the device was displayed and recognized it as a fake.

"What I found ironic—and somewhat reassuring—about this is that the training we do here would have accrued directly to our benefit if that had been a real device, since they had just gone through a training exercise on what to do if one of those showed up."

Kelly on call

Public service has come calling once again for Raymond Kelly, and once again the former New York City police commissioner is there to answer the call.

Kelly, who served as New York's top cop from 1992 until his retirement from the department in January 1994, was nominated last month by President Clinton to become undersecretary for law enforcement at the Treasury Department.

The nomination is now in the hands of the Senate Finance Committee, which has yet to schedule confirmation hear-

ings. If he is confirmed by the Senate, Kelly will oversee the Customs Service, the Secret Service and the Bureau of Alcohol, Tobacco and Firearms, succeeding Ronald K. Noble, who recently announced his retirement.

A former Marine who saw combat in Vietnam, Kelly rose through the ranks of the New York Police Department in a 25-year career that involved positions in virtually every rank and in 25 commands. As first deputy commissioner to former commissioner Lee P. Brown, Kelly authored a study that became the foundation for the NYPD's community policing program.

As commissioner, Kelly, 54, oversaw the department during a period of unparalleled growth, with the addition of thousands of new officers. He also is widely credited for the department's successful emergency response in the immediate aftermath of the World Trade Center bombing in 1993, in which six people died and thousands were injured. He also helped coordinate local, state and federal law enforcement agencies in the massive criminal investigation that followed.

Since his retirement from the department, Kelly has served as president of the New York office of Investigative Group Inc., a private investigations firm. He took a temporary leave from the company after accepting Clinton's invitation to oversee efforts to build Haiti's fledgling police force and lead an international team of police monitors there.

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To help youths, Virginia agencies learn to share

Five-county effort tracks delinquents, coordinates program activities

Criminal justice officials in five northern Virginia counties who meet quarterly to share information about juvenile offenders say the effort enables them to better track the activities of delinquents and to coordinate activities to curb future crimes committed by youths enrolled in the program.

"We have found that just by sharing information, we can better help the kids," said James J. McCarron, parole supervisor of the Juvenile and Domestic District Relations District Court in Fairfax. "Now everybody is together on a team working with that kid."

The coordinated approach to juvenile crime is part of the Serious Habitual Offender Comprehensive Action Program (SHOCAP), a Justice Department strategy begun in 1982. Designed to protect communities from violent juveniles, while ensuring they get the services they need before they become habitual adult offenders, SHOCAP enables school systems, health and social service agencies, and juvenile courts to share information about habitual youthful offenders. Representatives from various agencies in a participating jurisdiction meet monthly to share information, which is also disclosed to other jurisdictions in quarterly regional meetings.

Prior to SHOCAP, information about juvenile offenders rarely was disclosed to other agencies within a jurisdiction, let alone with outsiders, mostly because of privacy and confidentiality rules. But those rules have been relaxed in some states because of the explosion of juvenile crime in recent years.

Three years ago, a law was passed in Virginia that allows

officials to compare information on "serious offenders," including those under 18 who have been convicted of a felony as well as those convicted of three misdemeanors. Earlier this year, the Virginia Legislature voted to open juvenile courts and criminal records to the public and allow juveniles as young as 14 to be tried as adults.

But even before the new laws, SHOCAP had become a tool by which jurisdictions could prevent offenders from falling through the cracks of the justice system. Prince William County police Det. Greg Garrett told *The Washington Post* that in the past a teen-ager could get into trouble several times a week before setting off alarms in the criminal justice system.

"You come back and you're with a different judge, another police officer and another prosecutor, and sometimes with different defense attorneys. But SHOCAP is a way to hold the community's thumbs on these kids," Garrett said.

"As it stand right now, a kid can be out on the street, violate probation, and no one would know," added Det. Sandra Barksdale, who is the program's coordinator in Arlington.

Kevin Robinette, an investigator who heads the SHOCAP program in Loudoun, called it "a form of community policing, where we pretty much open up the closed doors that we've had on these juveniles."

Portsmouth was the first Virginia city to participate in SHOCAP as part of a pilot program was launched in 1982. The first northern Virginia SHOCAP started in Prince William County in 1988. Nearby Arlington, Alexandria and Fairfax counties, along with the cities of Herndon and Manassas, are now using the program to share information with each other.

About 80 young offenders are being monitored under the

program in Prince William County. A binder at every police station provides information to officers about the offenders, including their photographs and rap sheets. "Unfortunately, some [offenders] take some pride in this," county parole officer Stephen Vilhelmsen told *The Post*. "Some view it as a badge of honor. We certainly don't think we want that as an outcome."

Det. Kelly Gregory of the Fairfax County police presides over monthly meetings at which probation officers, juvenile court officials, mental health, social service and school officials discuss the 27 juvenile offenders currently in the program.

Most SHOCAP participants have a committee that selects the offenders to be placed in the program, but in Loudoun County, the juvenile court judge decides which youths will be placed in the program. There, three of the six teen-agers have been arrested for new crimes, but the others have stayed out of trouble.

The program in Arlington County, where agencies began sharing information in July, includes 12 teen-agers with an average of four convictions each for crimes like sexual assault, car theft and drug use. Six of them have been incarcerated since being under the watchful eyes of the program, said Dennis Pike, who oversees the county's juvenile court services, thus fulfilling a goal of keeping habitual offenders off the streets.

"That old line about a small number of criminals who are out there committing 65 percent of the crime is true in many communities," he told *The Post*. "We need to focus on those small numbers of people."

Studies assess lethal toll of gun violence

Gun-related violence continues to take a deadly toll on the nation's youth, and now ranks as the second-leading cause of death among children ages 10-19, according to a study by the Children's Defense Fund.

Also this month, a Justice Department report found that one-quarter of all non-fatal firearms injuries stemming from crimes involved young black male victims. The study by the Bureau of Justice Statistics said that almost 90 percent of the non-fatal firearm injuries from crime were male, 59 percent were black and 49 percent involved victims ages 15-24 years old.

The report released April 8 by the

CDF, a nonpartisan advocacy group, said black males ages 15 to 19 were victims of fatal gun-related violence at a per-capita rate of 153.1 per 100,000, more than five times higher than the per-capita rate among white males in the same age group, which was set at 28.8 per 100,000.

The study estimated that an American youngster died every 92 minutes from gunfire in 1993, a cause of death that is surpassed only by accidents, mostly those involving vehicles.

"This information really should set off alarm bells for every mother and father in America," said Enola Arid, a defense fund spokeswoman.

"It is, unfortunately, not surprising. We have not done what we should be doing to try and keep our children safe and away from guns."

The CDF report, based on data compiled by the National Center for Health Statistics, said gunfire deaths among Americans under the age of 20 rose to 5,751 in 1993, up 7 percent from 5,379 in 1992. Among all age groups during the same period, gunfire deaths increased 4.8 percent, from 37,776 to 39,594.

The defense fund reported that 3,661 of the deaths among youths were homicides, 1,460 were suicides, 526 were the result of accidents and 104 were attributed to unknown causes.

Breaking those deaths down by age, the defense fund report said that 116 victims were below the age of 5; 141 were 5 to 9; 700 were 10 to 14; and 4,794 were 15 to 19.

The report said the Government has done too little to keep guns away from schools and children, and it also criticized the recent move by Congress to repeal the assault weapons ban.

"The morally unthinkable killing

of children has not only become routine, but is increasing in the world's leading democracy," said Marian Wright Edelman, president of the defense fund. "What will it take for parents and religious community and political leaders to stand up and say, 'Enough?'"

The BJS report, meanwhile, cited statistics collected by the Centers for Disease Control and Prevention from June 1, 1992, through May 31, 1993, and found that while black males were the majority of intentional gunshot wound victims, most of the victims of unintentional firearm injuries and suicide attempts were white.

Among other findings in the BJS report:

¶ Offenders used guns in approximately 29 percent of the rapes, robberies and aggravated assaults reported in BJS's National Crime Victimization Survey. From 1987 to 1992, about 3 percent of the victims of serious violent crimes were shot, with about 60 percent fired upon by strangers, 25 percent shot by acquaintances and 6 percent by relatives or intimates.

¶ In 1993, about 1,400 police officers were injured in firearms assaults, while 67 were killed with guns while responding to a crime. FBI figures show that the rate of firearms injuries to police officers has declined from a high of 3.6 per 1,000 officers in 1980-81, but began rising steadily after 1987. In 1993, the injury rate stood at 3.2 per 1,000 officers.

¶ Eighty-two percent of all murder victims from June 1, 1992, through May 31, 1993, were killed with handguns. Twenty-nine percent were murdered during arguments, 21 percent during the commission of a crime, and 6 percent were juvenile gang killings.

¶ Forty-four percent of firearms murder victims knew their killers, and in 24 percent of the killings, the offender and victim were friends or acquaintances. In 13 percent, the assailant was a relative or intimate of the victim, and in 7 percent, the victim otherwise knew the assailant. The killer was a stranger in 15 percent of the murders, while the relationship between victim and assailant was unknown in 40 percent of the homicides.

Blacks feel vulnerable to police harassment

African-Americans are more likely to be victims of crimes and to support tougher penalties for criminals, yet feel they are more vulnerable to police harassment and brutality than other groups, according to a recent survey.

The Joint Center for Political and Economic Studies, a Washington, D.C., think tank that focuses on issues of concern to American blacks, conducted telephone interviews in January with 1,596 adults grouped into three sample categories — a national general population sample, a national sample of black Americans and a national sample of 18- to 25-year-old black males.

Twenty-six percent of black respondents reported that they or someone close to them had been victims of a violent crime in the past two years. Only 16 percent of the general population indicated they had had similar experiences with crime. Fifty-two percent of blacks said they lived within two or three blocks of

an area in which they would be afraid to walk alone at night, compared to 31 percent of the general population.

Nearly 62 percent of blacks surveyed said illegal drug use was a major problem in their communities, compared to 40 percent of the general population.

About 43 percent of blacks said police brutality and harassment were serious problems where they live, while only 13 percent of the general population responded similarly.

The difference of opinion between blacks and the general population narrowed when asked about tough criminal penalties such as "three strikes and you're out" laws, with 73 percent of blacks supporting the statutes, along with 82 percent of the general population. However, the survey found that less than half of the blacks polled — 48 percent — favored the death penalty, compared to 72 percent of the general population.

Baltimore FOP goes ballistic over ammo offer at local Burger King

Not too long ago, orders placed by police customers at a Baltimore fast-food restaurant might have sounded something like, "Cheeseburger, well done, hold the ammo."

But the president of the Baltimore police union recently asked his members to refrain from patronizing a Burger King franchise altogether once he learned that receipts from the store included a coupon good for "one free box of ammo with gun purchase or 10 percent off" at a Catonsville sporting good shop.

"Somebody at Burger King must have lost their mind," said Gary

McLhinney, president of the 4,000-member Fraternal Order of Police Lodge No. 3. He asked city officers to stay away from the restaurant as long as the coupons were being distributed.

It appears officers will be able to satisfy their craving for Whoppers soon. The restaurant chain's managers told the owner of the Baltimore franchise early this month to stop using the coupons.

"It's not the image that Burger King would like to be associated with in any way," said corporate spokeswoman Kini Miller, noting that the company sponsors a national alterna-

tive school for youths at risk for getting involved in criminal activity — "oftentimes the very kids who end up using handguns," she told *The Washington Post*.

Private vendors often sell advertising on one side of register tapes, which they then donate to stores, Miller noted. But company officials have told the owner of the Baltimore franchise, Ahmed Kabiryousefi, to replace the free register tape with store-bought rolls with no advertising on them. Michael Sharifi, the manager of the restaurant in question, said he had received no complaints about the coupons.

Reservations about policing: 'It's a nightmare'

Continued from Page 1

1992 book "The Rights of Indians and Tribes," in which author Steven Pevar said violent crimes occur twice as frequently on a per-capita basis on Indian reservations than in the United States as a whole. "Yet the conviction rate is much lower than it is elsewhere," Pevar wrote. "Of 802 reported felonies on the Navaho reservation during 1982 and 1983, the Bureau of Indian Affairs reported only 18 convictions."

Pevar, an attorney with the American Civil Liberties Union, wrote that a "vacuum" exists in reservation law enforcement because the Federal Government "has exhibited a frightening incompetence in handling its responsibility to prosecute serious crimes" that occur on Indian lands. . . . Congress has made it nearly impossible for tribes to deal effectively with serious crimes, both by failing to adequately finance tribal law enforcement and by limiting the punishments tribal courts may impose."

Who's in Charge Here?

To fully grasp the dilemmas facing those charged with administering law and order on Indian lands, it is necessary to understand the unique jurisdictional arrangement on reservations, which has evolved from treaties dating back more than 100 years as well as a myriad of more recent Federal laws. "You can have state jurisdiction, Federal jurisdiction and tribal jurisdiction; in fact, on any one particular case, you can have all three," Quasula pointed

out. "The race of the people involved, the location of the crime and the degree of the crime all come into play when you're trying to determine what charges to file against whom and where."

In general, the Federal Government, through the BIA police, the FBI and U.S. Attorneys' offices, enforces and prosecutes both Indians and non-Indians accused of major felony crimes that occur on reservations. Accused criminals also are subject to being tried by tribal courts for those offenses as well. The states, acting through local law enforcement agencies and courts, also investigate and prosecute major crimes on reservations when they involve non-Indian victims and perpetrators.

The situation gets murkier and more complex when lesser crimes like misdemeanors occur on Indian reservations. Tribal police and courts investigate and prosecute Indians accused of such crimes when the victim is an Indian, but in a case involving a non-Indian victim, the Federal Government also gets involved. When the victim is an Indian but a non-Indian is the accused, the Federal Government investigates and prosecutes. If a non-Indian is accused of a crime on Indian lands involving a non-Indian victim, the state government has jurisdiction.

Exceptions to this arrangement exist in some states, including Minnesota, Wisconsin, Nebraska, Oregon and California, which come under state police jurisdiction as a result of a Federal



President Clinton stands with Gaiashkibos, chairman of the Lac Courte Oreilles Chippewa of Hayward, Wis. (c.) and Wilbur Between Lodges, tribal chairman of the Ogalala Sioux of Pine Ridge, S.D., during a historic April 1994 meeting at the White House between Clinton and tribal leaders. (Wide World Photo)

law dating from the 1950s which forced those states to assume law enforcement authority.

Sources say the arrangement can cause major headaches for police and prosecutors. "An absolute nightmare" is how Capt. David Gonzales, coordinator of the Arizona Department of Public Safety's Gang Intelligence Team Enforcement Mission (GITEM), termed the jurisdictional problems that arise for the multiagency task force. "It's probably the most frustrating thing in law enforcement, especially if you work statewide like DPS does in Arizona."

Fleeing Felons

When criminal suspects flee to the reservations, GITEM agents must turn to BIA or tribal police officials to track them, Gonzales said. "They're usually pretty good about it, but you'll have to go with them to find them or

turn the information over to them so they can get them for you."

"Sometimes it's a nuthouse trying to figure out where you're at, who you're dealing with. We have to decide where the incident occurred, who was involved and whether Federal, state or tribal law applies," said Capt. Malcolm Lewis of the Fort McDowell, Ariz., Law Enforcement Services, an agency based on a reservation northeast of Scottsdale that is home to 600 members of the Tohono Oodham tribe. Its seven officers are cross-deputized to enforce both Federal and tribal laws on the 50-square-mile reservation, where a popular casino was recently opened.

In December, the bodies of two Mexican nationals who were shot to death gangland style were discovered on the reservation, but since non-Indians were involved the local sheriff took charge of the investigation,

McDowell said. "If Indians were the victims or the suspects, we would take on the investigation with the FBI," he pointed out.

A former Federal prosecutor who routinely dealt with Indian criminal matters said the arrangement can be as sensitive as it is problematic. Robert Miller, who served as Colorado U.S. Attorney from 1981-88 and is now in private practice, said he kept a chart on his desk as a ready reference on jurisdiction over criminal matters on the Southern Ute reservation in the southeast corner of the state. "It was a checkerboard reservation, which means there are pieces of land that aren't part of it, so that would complicate matters even further," he recalled.

Two FBI agents were assigned to Durango, the largest town near the reservation, "simply to try to struggle with" jurisdictional issues, especially

DoJ tries harder to focus on Indian CJ needs

Leaders of the nation's 542 Indian tribes met in April 1994 with President Clinton in an unprecedented gathering that Clinton called a step toward "affirming our commitment to strengthening the nation-to-nation relationship we have with tribal governments."

Since that historic gathering in Washington, the Administration appears to be trying to address some of the leaders' concerns, particularly those involving law enforcement and criminal justice. Attorney General Janet Reno, whose interest in Indian affairs is said to date back to her mother's work with the Miccosukee tribe in her native Florida, has presided over three "Listening Conferences," Cabinet-level summits that have given Indian leaders a chance to make their concerns heard.

"One of the very clear messages she has made is that Indian justice and law and order issues are a high priority for her," said Ada Pecos Melton, a former court administrator and chief probation officer for the Laguna Pueblo Court in New Mexico, who now heads the new Indian Desk at the Office of Justice Programs.

Ted Quasula, director of the Law Enforcement Division of the Bureau of Indian Affairs, which oversees BIA police agencies throughout the West, also praised the Administration's efforts. "I've got 22 years in BIA law enforcement and she's the first Attorney General I've ever met," he told Law Enforcement News.

The meeting between Clinton and tribal leaders and the subsequent "Listening Conferences" marked "a giant step for all of Indian Country and its leadership," Quasula added, "However, now we've got to do some work."

In addition to the OJP Indian Desk, which monitors program support and technical assistance to the tribes and assists in the planning and development of new programs, the Justice Department has established an Office of Tribal Affairs and launched a tribal court initiative to improve the administration of justice on Indian lands.

The Office of Tribal Justice was established in January 1995 to act as liaison between tribal representatives and the

various DoJ divisions and offices responsible for Indian issues as well as coordinate Justice programs with those of other Federal agencies. It has been instrumental in helping tribes get supplemental police hiring grants administered by DoJ's Office of Community Oriented Policing Services. As of March 1, 126 tribes have received \$21 million in COPS grants to hire 130 officers in tribal police departments, said Herbert Becker, a former assistant U.S. Attorney in New Mexico who is director of the office.

Currently, the office is assisting in renovations of tribal jails and the construction of new correctional facilities, and has been sponsoring seminars on making improvements in the tribal court system, he added.

Tribal courts also are a focus of an initiative announced last June by the Justice Department's Office of Policy Development, which is spearheading the establishment of U.S. Magistrate Courts on reservations to prosecute crimes committed on Indian lands, particularly misdemeanors committed by non-Indians. Such crimes, which fall under the jurisdiction of U.S. attorneys, often go unprosecuted because of heavy caseloads or scant resources, said Mary Morgan, the deputy assistant attorney general who oversees the program. "Tribal Court Partnership Projects" are under way or in development in New Mexico, North Dakota and Oregon.

In Oregon, an agreement between the U.S. Attorney, Federal judges and officials of the Warm Springs tribe allows the Federal court to periodically assign a part-time magistrate judge "who literally borrows a tribal court and convenes Federal court [proceedings] right there on the reservation," Morgan told LEN. The arrangement allows for the prosecution of misdemeanors committed by non-Indians "that would otherwise not have been," she said.

In North Dakota, a full-time magistrate has been assigned to Federal court to hear misdemeanor cases. And in New Mexico, Morgan added, discussions are under way that would allow magistrate judges to convene Federal court proceedings with a state prosecutor acting as a special assistant U.S. attorney. "The difficulty there had been lack of a prosecutor," Morgan

explained, "so now they're going to put more resources into finding new ways of providing a prosecutor."

Because of the varying circumstances that affect each individual tribe, Morgan stressed, the programs "serve as models only to the extent of what can be done under those particular circumstances." The initiative's overall strategy is to "identify the problem... and come up with mutually agreeable solutions where [all of the partners] try to put in more resources."

The Office of Policy Development is involved in a number of other projects to improve criminal justice on Indian reservations, Morgan added, including developing a training program on juvenile law enforcement; setting up a scholarship fund to cover the training expenses of tribal justice personnel; and launching a first-time collaborative effort between DoJ and the Federal Judicial Center, the research and educational arm of the Federal court system, to develop a joint training program in child sex abuse cases for both Federal and tribal judges in New Mexico and Arizona that will be presented in July.

The OJP Indian Desk, created in June 1995, seeks to improve tribes' access to information and criminal justice funding opportunities. Melton, its director, who is a member of the Pueblo Jemez tribe in New Mexico, said tribes often don't take advantage of DoJ-administered programs because leaders are unaware of their existence or are in the dark about whether they are eligible for grants and other services.

"One of the big mistakes tribes make — I did when I worked for my own tribe — is when we're trying to shake all of the bushes where funding can be found, we always look for language that is specific, that includes us," Melton told LEN. "The assumption on the part of tribes was that funding wasn't available to us."

Melton, who also is developing tribe-specific programs to address criminal justice issues on Indian reservations, said much of her work involves educating not only tribal officials but bureaucrats who administer Federal programs to make them culturally relevant.

Better policing through cross-deputization

when Indians committed crimes in town and non-Indians committed crimes on the reservation, which Miller said was a big problem. "I finally put a special assistant in Durango, mainly to try to figure that whole maze out whenever it would occur. That worked well. I think the tribes felt that was a good move, that we were at least willing to recognize there was a problem."

Missing Misdemeanors

Several sources interviewed by LEN said the jurisdictional labyrinth helps allow large numbers of suspects charged with misdemeanors on reservations to escape prosecution. While pilot programs by the Justice Department are in place in a handful of jurisdictions to address that concern [see sidebar], it's a widespread problem throughout Indian Country, they said.

Some note that Federal prosecutors already are overwhelmed with major felony cases, so misdemeanors get a low priority. Misdemeanors are "not at the top of the list in the Federal system," said Quasula, "so chances are pretty damned good that the [suspect] will get away with it, simply because Congress has chosen not to let tribes have criminal jurisdiction over non-Indians, which is a crock. It's a double standard. . . . I think the simple thing is to give tribes criminal jurisdiction, case closed."

Sometimes cases aren't prosecuted by tribal courts because BIA officers, who are under Federal jurisdiction, don't show up for cases. Tribal courts, which prosecute the mix of state and Federal offenses that make up the bulk of tribal law, don't have the powers available to other U.S. courts to compel officers to appear.

"If the tribal court summons a police officer and the officer fails to appear, there's no recourse. We can't do anything about it and the case gets dismissed," said Rita Weeks, an administrator at the Fort Peck, Mont., Tribal Court, which each year hears about 2,500 cases involving Indians accused of tribal offenses, most of them misdemeanors. "We have no authority over Federal officers."

A 1992 audit by the Interior Department found that inadequate paperwork and the failure of tribal officers to show up for court proceedings prompted the dismissal of hundreds of cases in South Dakota. Over 500 charges were dismissed by Oglala Sioux tribal courts in Kyle and Pine Ridge during a 12-month period in 1989 and 1990, said the report, which blamed inadequate police training for the problem.

Tragic Consequences

Jurisdictional confusion can sometimes have tragic results, as reportedly occurred in a quadruple murder on the Wind River Indian Reservation in Wyoming in 1994. At the trial of an Arapaho man accused of fatally shooting his wife, two brothers and a friend in a domestic dispute in Crowheart, some witnesses testified that questions of jurisdiction delayed police response. According to the witnesses, who were in the house when the shooting started, two of the victims were still alive, although critically injured.

According to reports in the local newspaper, *The Riverton Ranger*, one of the witnesses testified that as she and a companion were being detained at a reservation firehouse following the shootings, they asked why no one

from the Fremont County Sheriff's Department had responded to the house where the suspect was holed up with the victims. Verna No Ear testified that an undersheriff told her that authorities "were still trying to figure out [in] whose jurisdiction" the shootings had occurred.

Some of the authorities at the scene, who included members of the Wind River BIA Police Department, the Sheriff's Department, the state Highway Patrol and the FBI, denied they knew the victims were alive and said that jurisdictional issues played no role in the delay. Wind River police Capt. Larry Makeshine said concerns about officer safety made him cautious about deploying officers to the house where the shootings had occurred, since the whereabouts of the assailant were unknown. "The most important factor I was considering was the safety of our officers in our approach to the residence," he said.

Sheriff Joe Lucero denied that he and his deputies had been slow to enter the house, but conceded that authorities acted with precaution to ensure their safety. "It couldn't have been done any faster," he testified. "It took them that long to get into place to do what they needed to do."

The armed suspect, Steven Swallow, who held police at bay by threatening to shoot them and himself, was apprehended about five hours after the shootings, after slipping away from the murder scene undetected and escaping to the nearby home of his brother. By that time, all four victims were found dead. A prosecution memo stated that the two wounded victims said to have been alive through much of the standoff were "forced to endure hours of agonizing pain and suffering" before they died.

Improving on Good Relations

Despite the jurisdictional problems, most of the tribal and BIA law enforcement officials contacted by LEN said they enjoy good relations with their Federal, state and local counterparts. "I think overall the relationship between the FBI is very, very good," said the BIA's Quasula. "There's occasionally some personalities, but hell, that's everywhere. I hear some husbands and wives don't like each other either. As far as local law enforcement, I would think that for the most part it's OK. There's some personalities and some politics involved."

To improve the delivery of services and increase response times, some agencies have formulated programs that allow tribal, BIA or state and local officers to be cross-deputized, giving them authority to enforce virtually all laws. In a few cases, such arrangements give officers authority in adjoining jurisdictions.

The first agency in Arizona to take this tack was the Salt River Police Department, a tribal agency that serves 5,000 Pima and Maricopa Indians living on a 110-square-mile reservation surrounded by the metropolitan sprawl of Phoenix, Scottsdale, Mesa and Tempe.

"All of our officers are certified to enforce tribal, state and Federal law," said Sgt. Karl Auerbach, adding that the 42-officer agency is one of the few tribal police departments whose officers are certified by both state and Federal training programs.

Officers from nearby local police departments can take a 40-hour course

offered by the agency in which they receive instruction in tribal and Federal ordinances, allowing them to work side by side with Salt River tribal officers when needed. The Salt River agency also calls on FBI and BIA assistance as needed, Auerbach noted, usually in cases where additional personnel, expertise or technical assistance are required.

Cross-deputization has helped forge good relationships with surrounding agencies, Auerbach told LEN. "Although there are physical boundaries separating the jurisdictions, the relationship we enjoy with all police agencies within the Phoenix metro area do not have any boundaries. If they need something from us or we need something from them, we're as close as the telephone."

You Scratch My Back. . .

Fort McDowell Law Enforcement Services issues "deputy special commissions" to BIA officers which expand their authority to cover not only Federal but tribal offenses as well. In turn, the BIA grants the same status to tribal officers, giving them Federal authority on the reservation. "When we hire people, we like to see them state-certified, then commissioned by

the Federal Government," said Captain Lewis. "We go through all of those academies to get our people certified to handle those situations because that's the kind of reality we're handling right now."

Investigators with the largest tribal police agency in the nation, the 273-officer Navaho Department of Law Enforcement, based in Window Rock, Ariz., now investigate major crimes directly with the FBI, which has "mainly a coordination function," said Capt. Leonard T. Butler, chief of the agency that provides services to about 250,000 people in the vast Navaho Nation spread over parts of Arizona, New Mexico and Utah.

"It used to be we would have a Navaho investigator, then we'd have a BIA investigator, the FBI agent and the U.S. attorney. When a crime occurred on the reservation, it would go through each one of those people up to the U.S. attorney. That does not happen anymore. . . . We present our cases directly to the U.S. attorney without BIA involvement, which streamlines our cases a little bit more than those in other reservations," Butler explained.

But Indian tribes, some of which have struggled for over a century to achieve autonomy from Washington,

are justifiably cautious when it comes to granting authority to outsiders, particularly law enforcement agencies. A proposal to allow cross-deputization of some Montana Highway Patrol officers to arrest and ticket traffic offenders traveling through the Fort Peck (Assiniboine) Indian Reservation — which, unlike the rest of the state, has a 65-mph posted speed limit — and also grant the same authority to BIA officers over non-Indian motorists has been discussed for several years but never approved by tribal officials.

Several concerns are behind the officials' reluctance, including fears that such a move would erode tribal sovereignty over the 5,400-square-mile reservation, said Robert Welch, a former tribal police officer and judge who serves as chairman of the reservation safety committee for the Fort Peck Tribal Executive Board. "The tribe wants to protect its sovereignty, and once we delegate that authority out" it could open the way for abuse of Indian rights by non-Indian law enforcement officers, he said.

(Continuing on the May 15 issue: Funding and training for Indian Country policing; the growing gang problem, and the impact of casino gambling.)

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Warner:

Pull the plug on the drug czar's office

By John Warner

When the Office of National Drug Control Policy (ONDCP) was established in 1988, I was skeptical, but held out the hope that the impossible could be achieved.

I envisioned that roles would be clearly defined, responsibilities assigned and compliance enforced to eliminate the duplication, competition and lack of cooperation among the more than 30 Federal agencies involved in drug control and enforcement. Furthermore, I anticipated that a realistic national policy would be promulgated by the director of ONDCP, with the participation of all concerned agencies, including state and local jurisdictions. Finally, I found myself wishing that the Drug Enforcement Administration would be restored to the pre-eminent, lead agency position.

Unfortunately, my hopes went unfulfilled. Both the Bush and Clinton administrations have paid lip service to drug control, and with just a single exception, the appointees as ONDCP director have had no prior experience in law enforcement or drug control. The overly large office staff has consisted of a number of political appointees, and the standards of competency were low. The results of their labor for nearly eight years were negligible. It remains a mystery just what these 150 or so employees did with their time, other than attend and participate in numerous, endless committee sessions. Their work effort did not put a single drug trafficker in jail, or prevent youths from abusing drugs, or cure anyone of addiction.

When, true to form, Gen. Barry R. McCaffrey was named drug-policy director, I hesitated to voice my concerns, because as an old soldier I felt it was not cricket to criticize the selection of a general officer who has had such a distinguished career.

When I heard McCaffrey being interviewed on television and read some of the news coverage following his appointment, I realized that my concerns were justified. Without having taken

time to absorb the details of his new job, the general obtained a commitment to increase the staff to 150 positions and a promise of a supplemental appropriation of \$3.4 million. He is also seeking 30 detailees from among Pentagon personnel, their positions to be charged against the Defense Department budget. The Washington Post reported on March 6, "A White House official explained, 'The general wants some troops to command, and Clinton wanted the general.'" If personnel assignments are in fact being made in this fashion, the country is in worse shape than is generally believed.

What took the cake, however, was the report, again in The Post, that the drug czar is in Mexico and has entered into negotiations at the highest levels of the Mexican Government of Mexico to establish a "Contact Group on Drug Control." For a neophyte not yet two months on the job to undertake such a venture is foolhardy and naive,

especially since the DEA was reportedly not represented in the contact group. At the same time, DEA Administrator Thomas A. Constantine testified before a Congressional committee about the expansion of Mexican drug-trafficking organizations, and of their acquisition of wealth and political power.

I don't know whether General McCaffrey is aware that the DEA and its predecessor organizations have handled liaison and conducted investigations with Mexican authorities for more than half a century. Special Agent Enrique Camarena Salazar was viciously tortured and murdered in Mexico in the course of a DEA operation. Despite corruption at all levels of the Mexican Government, the DEA has succeeded in immobilizing major trafficking organizations, eradicating opium and coca fields, and assisting in identifying and seizing illicit laboratories. Perhaps in the future the director of ONDCP will make good

use of the existing knowledge and expertise of DEA before undertaking such an endeavor as negotiating with a foreign government.

I have finally reached the incontrovertible conclusion that after eight years and four directors of ONDCP, this venture should be terminated. Some of the funding should be used for deficit reduction and the balance to obtain the latest technological resources and manpower enhancement for DEA, and for drug abuse prevention and treatment programs that have demonstrated their effectiveness (and which ought to be administered by state governments).

The Clinton Administration has talked a lot about downsizing government. This may be a good way to start.

(John Warner is retired from the Drug Enforcement Administration, where he served as director of foreign operations.)

Rechtschaffen:

A new player in the anti-crime fight

By Oscar Rechtschaffen

The American Medical Association has called crime and violence in America "a public health emergency" and is in the process of publishing some 70 studies to alert the health profession as to how to deal with one of the most serious challenges facing our society today.

For many decades, the medical profession, sociologists, criminologists, psychologists and psychiatrists have engaged in research that they hope will make it possible one day to reduce and control deviant human behavior.

(Oscar Rechtschaffen teaches government at San Antonio College in Texas. He has been a professor of political science and public justice at the U.S. Air Force Academy.)

Every society has individuals who will disobey laws, and regulations that restrict their behavior and freedom. Every society has individuals who refuse to respect the rights of their neighbors and steal, rob, rape and murder.

There is, however, no universal agreement as to what constitutes crime and what the punishment for such crimes should be. Thus, in Nazi Germany and Communist China, criticism of the government and its policies could be, and frequently was, punishable by death. On the other hand, the murder of political opponents and persons of certain racial or ethnic groups was permissible. In democratic societies, murder is a serious crime, often punishable by life imprisonment or death, while dissent and criticism of the government are inalienable human rights.

In Islamic nations, the consumption of alcohol is prohibited while the use of drugs is allowed. In the U.S. and most Western nations, the opposite is true.

Crime has always been with us and always will be. The great sociologist Emile Durkheim once observed that "crime is normal because a society exempt from it is utterly impossible." According to sociologist Anthony L. Guenther, "Crime is, then, necessary. It is bound up with the fundamental conditions of all social life."

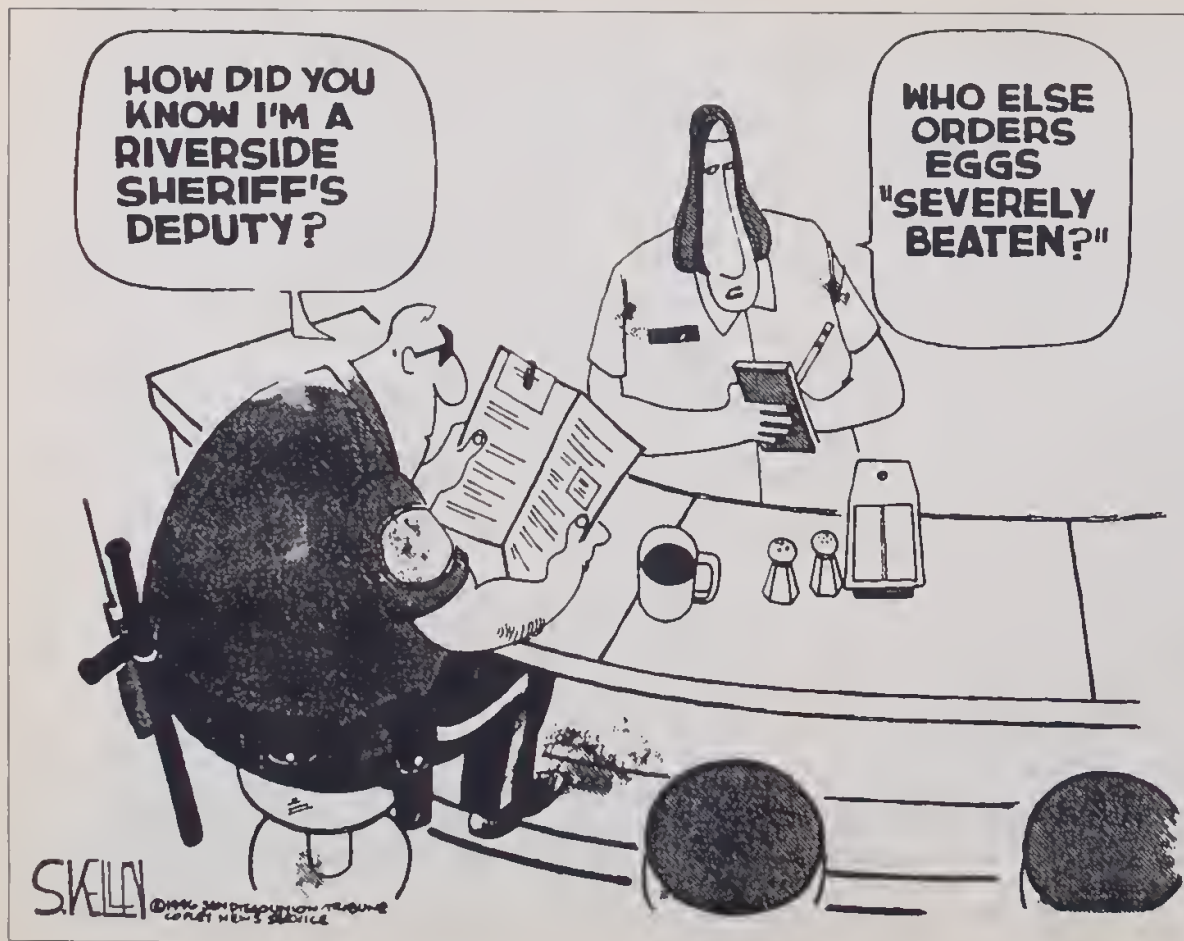
The absence of crime, therefore, would mean the absence of dissent, which would be wholly unacceptable in a democratic society. It is equally true, however, that crime running rampant will destroy the very fabric on which any civilization is based — the right to live in peace, security and happiness. A free society, in order to survive, must not only provide individual freedom but must also keep crime at tolerable levels. A balance of the two objectives can best be achieved through freedom with individual responsibility and respect for the rights of others.

Why do people rape, steal, rob and kill? Since the dawn of history, man has tried to answer that question. Experts examining this phenomenon have developed a panoply of explanations.

There are those who suggest that the impulse for crime and violence is based on biological factors. For example, a 20-year Swedish study published in the July 1992 issue of the British Medical Journal disclosed that low cholesterol had been reported in criminals, people with violent and aggressive conduct and those low in self-control. According to the researchers, monkeys that were fed diets low in saturated fat and cholesterol changed their behavior for the worse. The danger was not low cholesterol, but lowering it below what one was used to. The first six years were the danger period, the researchers said.

These significant findings are just a sample of the many important contributions medical researchers have made and are continuing to make in reducing criminal tendencies.

Some blame crime on guns, alcohol, drugs, discrimination, poverty, urbanization, television, Continued on Page 10



Note to Readers:

The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.

Portsmouth cop wins radar-cancer claim

In a case with potentially far-ranging implications, Portsmouth, Va., officials have agreed to pay some of the medical expenses incurred by a police officer who developed cancer that he believes was directly related to his use of police radar.

Officer Frank Chappell, 34, a 13-year veteran of the Portsmouth Police Department, won a partial victory last December when he appealed the city's denial of his workers' compensation claim, in which he alleged that years of using hand-held radar devices had caused him to develop testicular cancer. The officer, who had surgery to remove his cancerous right testicle in 1994 and subsequently underwent four months of daily chemotherapy, had sought reimbursement of medical expenses

and reinstatement of sick leave that he used up during treatment. He says his cancer is now in remission.

Chappell appealed to the regional office of the Virginia Workers Compensation Commission in Norfolk, which ruled that he had presented enough medical evidence to link his illness to occupational conditions — his almost-daily use of radar devices. His claim was denied, however, based on a five-year statute of limitations because he was unable to fully document the time frame during which he was exposed to the radar units' low-level radiation.

"While the commission ruled that from a medical standpoint the case had been proved, from a technical standpoint he didn't meet the statute of limitations," said James Martin, a

Portsmouth attorney who represented Chappell.

Martin then filed an appeal with the full commission in Richmond, but that petition was withdrawn March 14 after city officials agreed to pay "a portion of the medical expenses" not covered by Chappell's insurance and reinstate sick time he had lost during treatment, Martin told Law Enforcement News.

Portsmouth City Attorney Timothy Oaksman and Assistant City Attorney Sheila Riddick, who represented the city at the hearing, did not return calls from LEN for comment.

The commission official who presided over the appeal hearing said he ruled in favor of Chappell after finding that "based upon the medical evidence that was presented, there was

sufficient evidence under our statute to find this was an occupational disease in his particular case."

"Under our statute, an ordinary disease of life is not compensable — that is, a disease that afflicts general members of society unless certain conditions are met," said deputy commissioner Daniel Lahne. "I found that in [Chappell's] case it was met, that his testicular cancer was related to exposure to radiation as a result of the use of the radar gun."

Chappell's oncologist, Dr. James Stark of the Cancer Center of America in Chesapeake, Va., testified that he believed his patient's illness was related to radar use. In an interview with LEN, Stark said he based his opinion on a 1993 report in the American Journal of Industrial Medicine about a cluster of testicular cancer cases among officers in two neighboring Michigan police departments between 1979 and 1991.

The report stated: "The only common exposure shared by the officers was the occupational practice of resting the radar gun, while in the 'on' position, directly in the lap either close to, pointing at, or directly adjacent to the testicles."

"It's a very rare disease — one of the rarest cancers seen," Stark said. "Anytime you have a cluster of cases, it raises your eyebrows."

Chappell told LEN he had used Kustom Signals' HR-12 hand-held radar model daily in his first two years on the force, and periodically thereafter up to 1990 or 1991. "I used to keep it running on my lap all the time," he said.

The ruling is believed to be the first of its kind in a workers' compensation case in which a police officer alleged an illness was caused by long-term radar use. Gary Poynter, a former Ohio

state trooper who first focused law enforcement attention on the possible link between radar use and cancer, said the Chappell case has "great implications" for other officers who believe their illnesses are radar-related.

Poynter noted that scores of cancer-stricken officers who used radar have filed civil lawsuits against radar manufacturers since the controversy exploded in 1990, but none have been successful. "I would like to see other officers file workers' compensation claims and take them as far as they will go," Poynter told LEN. "I think it's probably easier to win a workers' comp claim than it is a civil suit."

But the case could have a far greater impact, Poynter added. "From a state standpoint, workers' compensation claims could also force much-needed legislation" that would require a greater emphasis on safety in the manufacture and operation of traffic radar devices, and more training in their use.

Chappell said he hasn't "gone out and tried to make a major issue" out of his case. "All I'm trying to do now is let other officers know that there is a possibility — with the right help — that they too might be able to win."

The officer, who has returned to full duty, no longer uses hand-held radar devices. "I'm not radar illiterate any longer," he said. "I don't feel comfortable with hand-held units."

Chappell has filed a civil lawsuit against Kustom Signal Inc., the nation's largest producer of police radar equipment, which seeks \$11 million in damages "as a result of serious and permanent physical injuries" sustained due to radar use. The lawsuit was to be served to the defendants this month, said Chappell's attorney, Michael Imprevento.

LEN follow-up: Maryland approves funeral benefits for line-of-duty deaths

The Maryland Legislature on April 8 approved a bill that would provide up to \$10,000 in funeral benefits for public safety workers who die in the line of duty.

House Bill 800, which was expected to be signed by Gov. Parris Glendening within 30 days, was approved unanimously in the both the House of Representatives and the Senate, said Col. David Mitchell, the State Police Superintendent, who had lobbied for the measure following the recent line-of-duty deaths of two state troopers. [LEN, March 15, 1996.]

Under the measure, Maryland will pay the highest funeral benefits in the nation to survivors of law enforcement and other public safety personnel who die in the line of duty. Previously, the

state provided \$50,000 in death benefits to survivors, who also qualified for \$2,500 from the state Workers' Compensation Board to cover funeral expenses. But because of the wait to process death-benefit claims, those funds were not available to pay the "immediate" expense of a funeral, Mitchell pointed out.

Passage of the measure shows "that we have a General Assembly that is very supportive of public-safety personnel in the state, and certainly, the governor and lieutenant governor have shown that support as well. It puts Maryland in the forefront of providing death benefits," Mitchell told Law Enforcement News.

Suzie Sawyer, executive director of Concerns of Police Survivors, a

Camden, Mo.-based group that provides support to the families of law enforcement officers who die in the line of duty, lauded the Maryland Legislature's action, calling it "a step in the right direction for many other states to follow."

"People need to understand that when an officer is killed in the line of duty, the government they serve — we believe — should be responsible for that line-of-duty death," she said. "This would ensure that the police survivors of America do in fact benefit from death benefits paid rather than having to spend those benefits for the burial of their fallen officer."

Sawyer added that her organization plans to lobby other state legislatures for similar bills.

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Overview of the results of a nationwide community policing survey conducted among law enforcement chief executives. NIJ. 1995. 2 pp. FS 000126. Free.

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Problem-Oriented Drug Enforcement: A Community-Based Approach for Effective Policing
Results of a five-city demonstration project that applied problem-oriented policing to drug law enforcement and

drug-related crime. Includes forms, glossaries, and other information. BJA. 1993. 83 pp. NCJ 143710.

Understanding Community Policing: A Framework for Action
Overview of community policing that explores partnerships and problem solving. Presents the basic organizational and operational elements involved in implementing community policing strategy. BJA. 1994. 79 pp. NCJ 148457. Cost per monograph: \$13 (U.S.); \$17.50 (Canada and other countries).

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Publications
Measuring the Costs of Police Services—The challenges of assessing police service costs, including research results, procedures, and case studies. NIJ. 1982. 220 pp. NCJ 082758.

Evaluation of the Differential Police Response Field Test—Results of police response systems in three cities focusing on call classification, intake processing, and alternative service delivery. NIJ. 1986. 240 pp. NCJ 101267. Cost per publication: \$19 (U.S.); \$23.50 (Canada); \$30 (other countries).

Evaluating Patrol Officer Performance Under Community Policing: The Houston Experience (Research Report)—Hardcopy reproduction of a research report on a new process for evaluating patrol officers' performance. Includes sample documents. NIJ. 1994. 30 pp. NCJ 142462. Cost: \$10.50 (U.S.); \$15.00 (Canada); \$15.50 (other countries).

NIJ Research in Progress Videotapes
Criminal justice experts speak to researchers, policymakers, and practitioners. VHS format; 60 minutes maximum. **Community Policing in Chicago—Fact or Fiction?**—Current research on efforts to link law enforcement with other city services. 1995. NCJ 153273.

Reducing Gun Violence—Community Policing Against Gun Crime—Report on a Kansas City research program that reviews a special police illegal gun confiscation program. 1995. NCJ 153730. Cost per tape: \$19 (U.S.); \$24 (Canada and other countries).

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NYS police arbitration law is dealt a setback in court

A New York State judge has struck down a law — enacted after a rare legislative override of a gubernatorial veto — that gave the state power over contract negotiations between New York City and its public safety personnel, saying the lawmakers' action was an illegal intrusion in local affairs.

The ruling by State Supreme Court Justice Marilyn G. Diamond on April 10 sets the stage for a yet another pitched legal battle between Mayor Rudolph Giuliani, who vehemently opposed the measure, and the Patrolmen's Benevolent Association, the city's police union that used its considerable legislative clout to get the bill passed.

The law, which supporters said would bring city police and fire salaries up to par with those of higher-paid suburban colleagues, shifted oversight in contract disputes from the city's Office of Collective Bargaining to the state's Public Employment Relations Board.

The city agency determined police and fire salaries in comparison with those of other unionized city employees, but the state board would compare labor contracts with those in suburban police and fire agencies, some of which pay salaries 35 percent higher than those in the city. [LEN, Feb. 29, 1996.]

The judge declared the law unconstitutional because under the state Constitution, laws that affect only one municipality and which deal with "purely local concerns" must be passed with the approval of city officials. Citing such collective-bargaining staples as salaries, leaves, vacations, seniority, hours and overtime, and tours of duty, Diamond wrote: "It would be difficult to find matters of more local concern than these."

Enactment of the law would violate the "home rule" measure, which is designed to keep state interference in city affairs at a minimum, the judge said. For the law to be constitutional, it would need the approval of the Mayor or two-thirds of the City Council.

Diamond also raised the specter of giving the state authority over local police departments if the law were allowed to stand. "Should the state, through PERB, be permitted to invoke its impasse procedures under Section 1 [of the law], these purely local matters would be subject to binding arbitration. The net effect would be to permit the state to determine by way of binding arbitration not only wages, but also the day-to-day organization, operation and administration of the municipal-

ity's police department."

Diamond, who was appointed by Gov. George Pataki, who had vetoed the bill, said the law is unfair to New York City because five other jurisdictions with their own arbitration boards — Nassau, Suffolk and Westchester counties, the Town of Hempstead and the Syracuse City School District — would not be required to come under the state PERB.

Giuliani had opposed the measure from its inception, contending it would cost the city as much as \$200 million a year and prompt other municipal unions to make higher salary demands. He hailed Diamond's ruling as a "very significant victory" but said he knows the dispute, which has cost him the PBA's support, is far from over.

"I'm sure they're going to continue to try to persuade the City Council and the state Legislature to pass this very special legislation just for them," the Mayor said.

The police union responded to the defeat by vowing to appeal Judge Diamond's ruling. "We feel that this is a legal and binding chapter in state law that will be upheld," said PBA president Lou Matarazzo. "This is only a temporary setback."

Judge says reporters blew it in covering ATF raid on Waco compound

A Federal judge in Waco, Texas, has ruled that the actions of reporters just hours before the deadly 1993 raid by Federal agents on the Branch Davidian compound placed officers in danger — a decision that could lead to an unprecedented trial on the legal responsibility of the media during sensitive or dangerous police operations.

In a 46-page ruling handed down April 2, U.S. District Judge Walter Smith in Waco lashed out at reporters from The Waco Tribune-Herald and KWTX-TV for their actions before the Feb. 28, 1993, raid in which four Bureau of Alcohol, Tobacco and Firearms agents and six followers of sect leader David Koresh died. The gun battle, which began as agents tried to arrest Koresh on weapons charges, sparked a 51-day standoff that ended in fiery death for more than 80 Branch Davidians following a teargas assault launched by the FBI to force the group to surrender.

The families of the slain agents and more than 70 of their colleagues involved in the raid have sued the newspaper, television station and a local ambulance company, charging that their negligent actions alerted Branch David-

ans to the raid and contributed to the agents' deaths. The Dallas Morning News reported.

Attorneys for the defendants have denied wrongdoing, contending that ATF supervisors were responsible since they failed to call off the raid even after learning from an undercover agent that the sect knew about the impending operation. A Treasury Department investigation faulted the decision by ATF supervisors to go ahead with the raid despite the advance warning sect members had apparently received. Several ATF officials were later fired when it was learned they had attempted to cover up their role in the tragedy.

The plaintiffs based their claims on investigations by the Texas Rangers and the Treasury Department, which revealed that KWTX had learned about the secret raid on the compound from an ambulance company worker. A cameraman for the station inadvertently alerted a sect member to the raid about two hours before it began. Officials of The Waco Tribune-Herald, who claim reporters did not learn about the raid from ATF sources, have not disclosed how they learned about the operation.

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Forum:

Welcoming the AMA to the crime fight

Continued from Page 8

movies, pornography and parental leniency. Others point a finger at the disintegration of the family structure and declining moral, ethical and religious standards. Some suggest greed, jealousy, money, ambition, hatred, revenge, passion, honor, and glory as the major causes.

An increasing number of experts blame the high U.S. crime rate on our violent past, our obsession with guns, excessive freedom, the heterogeneous makeup of our population, diverse cultural beliefs and racism.

The National Institute of Justice announced in 1990 that it would undertake a massive five- to eight-year study

"to determine what leads individuals on positive developmental pathways and what influences them to cease or continue criminal behavior." The research will attempt to answer some critical questions:

¶ Why do some children and adults who share similar characteristics, experiences and life circumstances become criminals while others do not?

¶ How do drugs and crime intertwine in the development of criminal careers?

¶ At what age and developmental stage do we have the best opportunity to intervene with programs to decrease the number of individuals who progress to more serious antisocial behav-

ior and criminality?

Answers to these fundamental questions are being sought in the most complete interdisciplinary study in the history of criminology. The project director is Dr. Felton J. Earls, a professor at the Harvard University School of Public Health.

The American Medical Association, for its part, plans to publish 12 studies dealing with violence in the United States. In addition, 57 other studies of violence will be published in

nine AMA specialty journals.

As a former special agent and professor of criminal justice, I am delighted to see the medical profession assume a leading role in the war against crime and violence. The politicians, the legal profession, the police, the courts, corrections, sociologists and criminologists have failed to stem the deterioration of public safety. Unless we can control crime and violence, this nation faces urban guerrillas warfare by the end of this century.

BJS updates its snapshot of local policing in America

Continued from Page 1

ees, including 373,554 sworn personnel, working for more than 12,000 county and municipal police departments, a figure that is up 3 percent from 1990. About 230,000 were uniformed officers whose regular duties included responding to service calls.

The proportion of departments using computers jumped from one-half in 1990 to two-thirds in 1993. The report said agencies used computers for a wide variety of functions, including record-keeping, budgeting and personnel allocations, as well as provide information about arrests, traffic citations, stolen property, warrants and criminal histories.

One-third of the departments required all regular field officers to wear body armor while on patrol. In departments serving populations of 1 million or more, 42 percent required the use of the protective gear.

Emergency 911 telephone systems were in place in 68 percent of all local police departments. Forty-one percent had an enhanced 911 system, which furnishes dispatchers with the caller's location and phone number.

Among the report's other findings about the nation's police agencies:

¶ As of June 30, 1993, there were an estimated 474,072 full-time employ-

ees, including 373,554 sworn personnel, working for more than 12,000 county and municipal police departments, a figure that is up 3 percent from 1990. About 230,000 were uniformed officers whose regular duties included responding to service calls.

¶ A majority of local police departments serving a population of 10,000 or more had primary responsibility for processing fingerprints. Three-fourths of those serving a population of 1 million or more were also responsible for conducting ballistics tests and other evidence analyses.

¶ About 80 percent of U.S. residents were served by a local police department, while the remainder relied on sheriffs' departments or state police agencies. There were about 21 full-time local police officers for every 10,000 residents served.

¶ In the fiscal year 1993, the total operating expenditures of municipal and county police agencies topped \$24.3 billion — 6 percent more than in fiscal year 1990 after adjusting for inflation. Operating expenses per officer were set at \$62,600 in 1993.

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Upcoming Events

MAY

15. Police Media Relations. Presented by the Northwestern University Traffic Institute. Evanston, Ill. \$225.

15-17. Internal Affairs. Presented by the Northwestern University Traffic Institute. Evanston, Ill. \$350.

15-17. Crimes by Juveniles. Presented by Rollins College. Orlando, Fla. \$295.

16-17. Investigative Techniques. Presented by Hutchinson Law Enforcement Training. Peekskill, N.Y.

18-22. Field Training Officer. Presented by Pennsylvania State University. University Park, Pa. \$560.

20-21. Assessing Data & Information for Decision-Making. Presented by the Justice Research & Statistics Association. Washington, D.C. \$395/\$495.

20-23. Managing the Field Training Process. Presented by the Northwestern University Traffic Institute. Evanston, Ill. \$500.

20-24. Photography in Traffic Accident Investigation. Presented by the Institute of Police Technology & Management. Tallahassee, Fla. \$550.

20-24. Inspection & Investigation of Commercial Vehicle Accidents. Presented by the Institute of Police Technology & Management. Lake Worth, Fla. \$495.

20-24. Crime Scene Techniques Involving Surface Skeletons & Buried Bodies. Presented by the Institute of Police Technology & Management. St. Petersburg, Fla. \$475.

20-24. Field Training Officer Seminar. Presented by the Institute of Police Technology & Management. Pensacola, Fla. \$495.

20-24. Managing the Police Training Function. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

20-24. Police Applicant Background Investigation. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

20-24. Defense Without Damage — Instructor Training. Presented by the Northwestern University Traffic Institute. Evanston, Ill. \$550.

20-24. Executive Development: The Pursuit of Quality. Presented by the Southwestern Law Enforcement Institute. Dallas. \$295/\$395.

20-24. Monadnock Defensive Tactics Systems/Tactical Baron Instructor. Presented by Hocking College. Nelsonville, Ohio.

20-24. Crime Analysis Applications. Presented by the Alpha Group Center for Crime & Intelligence Analysis Training. Corpus Christi, Texas. \$450.

21-22. Raid Planning, Preparation & Execution. Presented by Hutchinson Law Enforcement Training. Braintree, Mass.

22-23. National Conference on Juvenile Justice Records: Appropriate Uses In Criminal & Noncriminal Justice Proceedings. Presented by SEARCH. Washington, D.C.

22-24. Robbery Investigation. Presented by Rollins College. Orlando, Fla. \$295.

29-30. Body Language & Conversational Techniques for Police. Presented by Hutchinson Law Enforcement Training. Dorchester, Mass.

29-31. Violence In the Workplace. Presented by Rollins College. Orlando, Fla. \$265.

29-31. DUI Standardized Field Sobriety Testing. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$325.

JUNE

3-4. Executive/VIP Protection. Presented by the Executive Protection Institute. Chicago. \$375.

3-5. Street Survival '96. Presented by Calibre Press. Honolulu. \$179/\$155/\$105.

3-7. Computerized Collision Diagramming. Presented by the Institute of Police Technology & Management. New Braintree, Mass. \$695.

3-7. Homicide Investigation. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

3-7. Undercover Drug Enforcement Techniques. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

3-7. Verbal Judo — Train the Trainer. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

3-14. Scope Rifle Instructor. Presented by Hocking College. Nelsonville, Ohio.

3-14. Advanced Traffic Accident Investigation. Presented by the Institute of Police Technology & Management. Tallahassee, Fla. \$695.

3-28. School of Police Supervision. Presented by the Southwestern Law Enforcement Institute. Dallas. \$595/\$750.

5-6. How to Succeed in the Security Profession: Marketing Yourself or Starting a Business. Presented by the Executive Protection Institute. Chicago. \$375.

5-7. Crime Stoppers Basic. Presented by the Institute of Criminal Justice Studies. Galveston, Texas. \$59.

5-7. Turning Lions into Lambs: Dealing with Difficult People. Presented by Rollins College. Orlando, Fla. \$325.

6-7. Drug Interdiction. Presented by Hutchinson Law Enforcement Training, LLC. Braintree, Mass.

6-8. 8th National Conference on Children & the Law: "Achieving Justice in Child-Related Conflicts." Presented by the American Bar Association. Arlington, Va. \$250.

8. Successful Promotion: A Personal & Career Development Seminar. Presented by Davis & Associates. Anaheim, Calif. \$125.

10-12. FitForce Coordinator Course. Presented by FitForce. Albany, Ga.

10-12. Confronting Multiple Assaultants. Presented by Modern Warrior Defensive Tactics Institute. Lindenhurst, N.Y. \$300.

10-14. Pedestrian/Bicycle Accident Investigation. Presented by the Institute of Police Technology & Management. Lakeland, Fla. \$495.

10-14. Tactical Drug Law Enforcement. Presented by the Institute of Police Technology & Management. Franklin, Tenn. \$525.

10-14. Crime Scene Processing. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

10-14. Supervising a Selective Traffic Law Enforcement Program. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

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10-28. Basic Correctional Officer Training for Jail Staff. Presented by Hocking College. Nelsonville, Ohio.

12. Countering Terrorism. Presented by the American Society for Industrial Security. Washington, D.C., Chapter. Arlington, Va. \$100.

12-13. Police Background Investigations. Presented by Hutchinson Law Enforcement Training, LLC. Stratford, Conn.

12-14. Street Survival '96. Presented by Calibre Press. San Antonio, Texas. \$179/\$155/\$105.

13-14. High Performance Listening for Police Supervisors. Presented by Rollins College. Orlando, Fla. \$265.

17-19. FitForce Coordinator Course. Presented by FitForce. Austin, Texas.

17-20. Community Policing in Law Enforcement Organizations. Presented by Pennsylvania State University. University Park, Pa. \$470.

17-21. Basic Training For Child Abuse Prosecutors & Investigators. Presented by the American Prosecutors Research Institute. Orlando, Fla. \$375/\$445.

17-21. Advanced Narcotic Investigation. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

17-21. Bloodstain Interpretation. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

17-21. Interview & Interrogation Techniques for Internal Affairs Officers. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

17-21. Management of the K-9 Unit. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

17-21. Managing the Patrol Function. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

17-28. Traffic Accident Reconstruction. Presented by the Institute of Police Technology & Management. Phoenix. \$695.

18-20. National Youth Gang Symposium. Presented by the National Youth Gang Center. Dallas. \$175.

19-21. Fraud Investigations. Presented by Rollins College. Orlando, Fla. \$275.

24-26. FitForce Coordinator Course. Presented by FitForce. Aspen, Colo.

24-26. Drug-Trak IV Training. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$395.

24-28. Inspection & Investigation of Commercial Vehicle Accidents. Presented by the Institute of Police Technology & Management. Tallahassee, Fla. \$495.

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New York, NY 10019
(212) 237-8654; FAX (212) 237-8465
E-mail: inijj@cunyvm.cuny.edu

For further information:

(Addresses & phone/fax numbers for organizations listed in calendar of events.)

Alpha Group Center for Crime & Intelligence Analysis Training, P.O. Box 8, Montclair, CA 91763. (909) 989-4366

American Bar Association, Section of Dispute Resolution, 740 15th St. N.W., Washington, DC 20005. (202) 662-1687.

American Prosecutors Research Institute, 99 Canal Center Plaza, Suite 510, Alexandria, VA 22314. (703) 739-0321. Fax: (703) 549-6259.

American Society for Industrial Security, Washington, D.C., Chapter, P.O. Box 9319, Arlington, VA 22219. (703) 237-2513. Fax: (703) 533-0358.

Calibre Press, 666 Dundee Rd., Suite 1607, Northbrook, IL 60062-2727. (800) 323-0037.

Dallas Children's Advocacy Center, Attn: Jessie Shelburne, P.O. Box 720338, Dallas, TX 75372-0338. (214) 818-2600.

Davis & Associates, P.O. Box 6725, Laguna Niguel, CA 92660. (714) 495-8334.

Executive Protection Institute, Arcadia Manor, Rte. 2, Box 3645, Berryville, VA 22611. (703) 955-1128

Hocking College, 3301 Hocking Pkwy., Nelsonville, OH 45764-9704. (614) 753-3591

Hutchinson Law Enforcement Training, LLC, P.O. Box 822, Granby, CT 06035. (203) 653-0788.

Institute for Management & Police Effectiveness, P.O. Box 20562, Mesa, AZ 85277-0562. (602) 641-8835. Fax: (602) 641-4624

Institute of Criminal Justice Studies, Southwest Texas State University, West Campus, Canyon Hall, San Marcos, TX 78666-4610. (512) 245-3030. Fax: (512) 245-2834.

Institute of Police Technology & Management, University of North Florida, 4567 St. Johns Bluff Rd. So., Jacksonville, FL 32216. (904) 646-2722.

International Conference of Police Chaptains, P.O. Box 5590, Destin, FL 32540-5590. (904) 654-9736

Justice Research & Statistics Association, 444 N. Capitol St., NW, Suite 445, Washington, DC 20001. (202) 624-8560. Fax: (202) 624-5269

Modern Warrior Defensive Tactics Institute, 711 N. Wellwood Ave., Lindenhurst, NY 11757. (516) 226-8383

National Crime Prevention Council, 1700 K St. N.W., Washington, DC 20006-3817

(202) 466-6272, ext. 141. Fax: (202) 296-1356.

National Youth Gang Center, P.O. Box 12729, Tallahassee, FL 32317. (904) 385-0600. Fax: (904) 386-5356.

Northwestern University Traffic Institute, 555 Clark St., P.O. Box 1409, Evanston, IL 60204. (800) 323-4011

Bruce T. Olson, Ph.D., P.O. Box 1690, Modesto, CA 95353-1690. (209) 527-0966. Fax: (209) 527-2287.

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SEARCH, 7311 Greenhaven Dr., Suite 145, Sacramento, CA 95831. (916) 392-2550.

Southeastern Public Safety Institute, P.O. Box 13489, St. Petersburg, FL 33733-3489. (813) 341-4500. Fax: (813) 341-4547

Southwestern Law Enforcement Institute, P.O. Box 830707, Richardson, TX 75083-0707. (214) 883-2376. Fax: (214) 883-2458.

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sampling of terms
people use to
describe law
enforcement on
American Indian
tribal lands. Find
out why, in Part 1 of a special LEN series.

On Page 1.



American Indians representing tribes from across the country gathered in Washington last September for the National Sovereignty Day Vigil, called to protest cuts in Federal spending for Indian programs. (Wide World Photo)